

BILL NO. 94-42
AS AMENDED

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 94-42 (as amended)

Introduced by Council President Wilson and Council Member Glassman
Legislative Day No. 94-15 Date May 17, 1994

AN ACT to repeal and reenact with amendments Subsection B(8), Cottage houses, of Section 267-27, Temporary Uses, of Article V, Supplementary Regulations, of Part 1, Standards, of Chapter 267, Zoning, of the Harford County Code, as amended; to define the term disability; to require a certain type of cottage housing for certain lots; to require posting a certain notice on lots subject to cottage housing; and generally relating to cottage housing.

By the Council, May 17, 1994
Introduced, read first time, ordered posted and public hearing scheduled
on: June 21, 1994
at: 6:30 p.m.
By Order: James D. Vannoy, Acting Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on June 21, 1994, and concluded on, June 21, 1994

James D. Vannoy
Acting Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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AS AMENDED

Section 1. Be It Enacted By the County Council of Harford County, Maryland, That Subsection 8(B), Cottage Houses, of Section 267-27, Temporary Uses, of Article V, Supplementary Regulations, of Part 1, Standards, of Chapter 267, Zoning, of the Harford County Code, as amended, be, and it is hereby, repealed and reenacted with amendments, to read as follows:

Chapter 267. Zoning.

Part 1. Standards.

Article V. Supplementary Regulations.

Section 267-27. Temporary Uses.

B. Specific temporary uses. The temporary uses described below shall be subject to the following:

(8) Cottage houses.

(a) In this Subsection B(8), the following terms have the meanings indicated:

Cottage House - A temporary second dwelling on a single lot.

Department - The Department of Planning and Zoning.

Disability - A disabling physical or mental condition {requiring continuing care and attention} ~~THAT PREVENTS AN INDIVIDUAL FROM OBTAINING SUBSTANTIAL AND GAINFUL EMPLOYMENT AS CERTIFIED TO BY A LICENSED PHYSICIAN.~~

Relative - A grandparent, parent, child, brother, sister, aunt or uncle.

(b) A cottage house is permitted on a single lot in the AG, RR, R1, R2, R0 and VR Districts, [if] PROVIDED THAT:

[(1) The parcel on which the lot is located is at least twenty-five thousand (25,000) square feet in size;]

(1) ON A LOT OF 2 ACRES OR LESS THE COTTAGE HOUSE IS LOCATED WITHIN AN-EXISTING A DWELLING CURRENTLY ON THE LOT;

(2) ON A LOT OF MORE THAN 2 ACRES OR-MORE THE COTTAGE HOUSE MAY BE LOCATED WITHIN AN-EXISTING A DWELLING CURRENTLY ON THE LOT OR BE A MOBILE HOME;

[(2)](3) ~~The~~ IF THE COTTAGE HOUSE IS A MOBILE HOME, THE cottage house meets the setback requirements for transient housing uses, except that in the AG District, the minimum rear yard setback for a MOBILE HOME cottage house is [forty (40)] 40 feet;

[(3)](4) When the cottage house is a mobile home, skirting of a compatible material is substituted for a foundation;

[(4)](5) The lot owner submits a letter of approval from the Health Department stating that the water and sewer facilities for the cottage house meet Health Department requirements;

[(5)](6) The lot owner submits a copy of the property deed and any homeowners' association agreement to which the lot is subject;

[(6)](7) The lot owner lives in [one (1)] 1 of the [two (2)] 2 dwellings on the lot;

[(7)](8) A relative of the lot owner lives in the other dwelling; and

[(8)](9) Either the lot owner or the relative:

[(a)](i) Is more than [sixty-two (62)] 62 years old; or

1 [(b)](ii) Has a disability.

2 (c) If an application for a cottage house permit is based
3 upon a disability of the lot owner or a disability of a relative
4 of the lot owner:

5 (1) The application shall include a physician's
6 statement documenting the disability;

7 (2) Every [two (2)] 2 years the lot owner shall submit
8 an additional statement from a physician that documents the lot
9 owner's or relative's continuing disability; and

10 (3) At least [sixty (60)] 60 calendar days before the
11 additional statement is due, the Department shall notify the lot
12 owner of the date by which the statement is due.

13 (d) If the cottage house is visible from a residence on an
14 adjacent parcel, the Department may require the lot owner to plant
15 a screen of evergreen trees or shrubs between the cottage house and
16 the residence. The screen shall be at least [ten (10)] 10 feet in
17 depth, and the tree or shrubs shall be at last [two (2)] 2 feet in
18 height at planting and shall be capable of forming a year-round
19 screen within [three (3)] 3 years.

20 (e) A permit is revoked when:

21 (1) The parcel is transferred or assigned;

22 (2) The additional physician's statement required by
23 Subsection B[(8)](9)(c) is not submitted by the due date; or

24 (3) The need for the cottage house ends.

25 (f) When a permit is revoked, the lot owner shall remove the
26 cottage house within [sixty (60)] 60 calendar days.

(g) Use of a cottage house under this Subsection B(8) is not grounds for or evidence of hardship for a variance under §267-11.

[(h)] A cottage house on a parcel at least fifteen thousand (15,000) square feet but less than twenty-five thousand (25,000) square feet in size may be granted only:

[1] If it conforms to all other requirements of this Subsection B(8); and

[2] As a special exception.]

[(i)] (h) If the lot owner satisfies the requirements of this Subsection B(8), the Department shall:

~~[(1)]~~ (1) Issue a permit to the lot owner [twenty-one (21)] 21 calendar days after the lot owner satisfies the requirements; and

(2) WITHIN 7 CALENDAR DAYS AFTER THE LOT OWNER SATISFIES THE REQUIREMENTS, POST THE PROPERTY WHICH IS THE SUBJECT OF THE APPLICATION WITH A NOTICE THAT THE LOT OWNER HAS APPLIED FOR A COTTAGE HOUSE PERMIT AND HAS SATISFIED THE PERMIT REQUIREMENTS;
AND

~~[(2)]~~ (3) Within [seven (7)] 7 calendar days after the lot owner satisfies the requirements, notify by mail each owner of real property adjacent to the lot:

[(a)] (i) That the lot owner has applied for a cottage house permit and has satisfied the permit requirements;

[(b)] (ii) That the permit is temporary;

[(c)] (iii) That the cottage house must be removed when the permit is revoked under Subsection B(8)(e);

1 [(d)] (iv) Of the requirements imposed on the lot
2 owner; and

3 [(e)] (v) Of any other information the Department
4 deems relevant.

5 ~~(3) WITHIN 7 CALENDAR DAYS AFTER THE LOT OWNER SATISFIES~~
6 ~~THE REQUIREMENTS, POST THE PROPERTY WHICH IS THE SUBJECT OF THE~~
7 ~~APPLICATION WITH A NOTICE THAT THE LOT OWNER HAS APPLIED FOR A~~
8 ~~COTTAGE HOUSE PERMIT AND HAS SATISFIED THE PERMIT REQUIREMENTS.~~

9 Section 2. And Be It Further Enacted, That if, as of the effective
10 date of this Act, a mobile home is being used as a cottage house
11 on a lot of 2 acres or less, the mobile home may continue to be
12 used as a cottage house provided that the lot owner or a relative
13 of the lot owner qualifies for cottage housing under this Act.

14 ~~Section 2.~~ Section 3. And Be It Further Enacted, That this Act
15 shall take effect 60 calendar days from the date it becomes law.

16 EFFECTIVE: September 19, 1994
17
18

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AS AMENDED

HARFORD COUNTY BILL NO. 94-42 (as amended)(Brief Title) Cottage Housing

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

ENROLLED

James D. Varnay
Acting Secretary
of the Council[Signature]
President of the CouncilDate July 7, 1994Date July 7, 1994

BY THE COUNCIL

Read the third time.

Passed: LSD 94-21 (July 7, 1994)

Failed of Passage: _____

By Order

James D. Varnay
Acting Secretary

Sealed with the County Seal and presented to the County Executive for approval this 11th day of July, 1994 at 3:00 p.m.

James D. Varnay
Acting Secretary

BY THE EXECUTIVE

Colleen M. Rehrmann
COUNTY EXECUTIVEAPPROVED: Date July 19, 1994

BY THE COUNCIL

This Bill (No. 94-42, as amended), having been approved by the Executive and returned to the Council, becomes law on July 19, 1994.

James D. Varnay
Acting Secretary

EFFECTIVE DATE: September 19, 1994

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